

PART 107—MANUFACTURE OF DECORATIONS [REVISED]

Sec.

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AUTHORITY: §§ 107.1 to 107.8, inclusive, issued under 42 Stat. 1286, as amended, secs. 1, 2, 47 Stat. 342, as amended; 10 U.S.C. 1425, 18 U.S.C. 76a, 76b.

SOURCE: §§ 107.1 to 107.8, inclusive, contained in AR 600-90, July 3, 1946, effective Aug. 1, 1946, 11 F.R. 7801.

§ 107.1 *Statutory authority.* (a) That hereafter the wearing, manufacturing, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or by both such fine and imprisonment. (42 Stat. 1286, as amended; 10 U.S.C. 1425)

(b) That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, or the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or of any colorable imitation thereof, is prohib-

ited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate.

Any person who offends against the provisions of this act shall, upon conviction, be punished by a fine not exceeding \$250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment. (47 Stat. 342, as amended; 18 U.S.C. 76a, 76b.)

§ 107.2 *Authority to sell.* No certificate of authority is required to sell articles listed in § 107.4 (a).

§ 107.3 *Authority to manufacture.* A certificate of authority to manufacture articles listed in § 107.4 (a) will be granted upon application to The Adjutant General, Washington 25, D. C., only upon agreement in writing by the applicant to abide by the following provisions:

(a) So far as the applicant manufactures articles pertaining to War Department decorations, service medals, badges, service ribbons, insignia, lapel buttons, and similar items authorized by the War Department, such articles will meet the specifications prescribed or authorized by the Secretary of War.

(b) The certificate of authority will be valid for 3 years from date of issuance. Application for a renewal must be filed with The Adjutant General, Washington 25, D. C., at least 60 days prior to expiration date of the existing certificate.

(c) The certificate of authority will be posted conspicuously at all times in the place of business.

(d) The certificate is valid only for the individual, firm, or corporation indicated and at the address stated thereon. Any change in name or address will require issuance of a new certificate; and such change will be reported immediately to The Adjutant General.

§ 107.4 *Articles authorized for manufacture and sale.* (a) A certificate of authority will grant permission to manufacture:

(1) Service ribbons pertaining to War Department decorations and service medals.

(2) Miniature replicas of decorations and service medals including miniature service ribbons.

(3) Replicas of decorations and service medals for grave markers only (to be at least twice the size as prescribed for decorations and service medals).

(4) Oak-leaf clusters, service stars, arrowheads, V-devices, and clasps, both regulations and miniature sizes.

(5) Rosette for Medal of Honor and lapel buttons pertaining to decorations and service medals.

(6) Lapel buttons indicating military service.

(7) Badges and bars, both miniature (where authorized) and regulation sizes.

(8) Distinguished unit badge, fourragère, and orange lanyard.

(9) War Department General Staff identification.

(10) All authorized insignia.

(b) Variations from the prescribed specifications, forms, and sizes of articles enumerated in paragraph (a) of this section are not permitted without prior approval in writing by the Secretary of War. The manufacturer must obtain the standard specifications from the Commanding General, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

(c) Manufacture and/or sale of regulation size decorations and service medals is prohibited.

(d) Designs or likenesses of decorations, service medals, badges, and service ribbons will not be incorporated in articles manufactured for public sale.

(e) Designs or likenesses of insignia only may be incorporated in articles manufactured for public sale provided that such designs have been approved in writing by the Secretary of War. In the case of the Honorable Service Lapel Button, a general exception is made to permit the incorporation of that design in articles manufactured for public sale: *Provided*, That such articles are not suitable for wear as lapel buttons or pins.

§ 107.5 *Violations and penalties.* A certificate of authority to manufacture will be revoked by The Adjutant General upon proof of intentional violation by the holder thereof of any of the provisions of this part. Issuance of a certificate of authority to manufacture will be refused upon proof of a violation of the regulations in §§ 107.1 to 107.8 by the applicant. Such violations are subject also to the penalties prescribed in the acts of Congress (see § 107.1). A repetition or

continuation of a violation after official notice thereof will be deemed prima facie evidence of intentional violation.

§ 107.6 *Government contracts and agreements.* The provisions of §§ 107.1 to 107.8, inclusive, do not affect contracts for manufacture and sale to the United States Government.

§ 107.7 *Possession and wearing.* (a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia prescribed or authorized by the War Department by any person not properly authorized to wear such device or their use to misrepresent the identification or status of the person by whom worn is prohibited. Any person who offends against this provision is subject to punishment as prescribed in § 107.1.

(b) Mere possession by a person of any of the articles prescribed in § 107.1 (except identification cards) is authorized provided such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 107.1 or any distinctive parts (including suspension ribbons and service ribbons) or colorable imitations thereof will not be used by any organization, society, or other group of persons without prior approval in writing of the Secretary of War.

§ 107.8 *Reproductions.* (a) The photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, service medal, badge, service ribbon, lapel button, insignia, or other device or the colorable imitation thereof of a design prescribed by the Secretary of War for use by members of the Army is authorized provided such reproduction does not bring discredit upon the military service, and further, is not used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) The use for advertising purposes of any engraving, photograph, print, or impression of the likeness of any War Department decoration, service medal, badge, service ribbon, lapel button, insignia, or other device (except the honorable service lapel button) is prohibited without prior approval in writing of the Secretary of War except when used to

illustrate a particular article which is offered for sale.

(c) The reproduction in any manner of the likeness of any identification card prescribed by the War Department is prohibited without prior approval in writing of the Secretary of War.

PART 109—SECRECY SURROUNDING TROOP MOVEMENTS [REVISED]

Sec.

109.1 General.

109.2 Rail and motor movements.

109.3 Embarkation.

109.4 Periods of peace or following termination of hostilities.

AUTHORITY: §§ 109.1 to 109.4, inclusive, issued under R.S. 161; 5 U.S.C. 22.

SOURCE: §§ 109.1 to 109.4, inclusive, contained in AR 380-5, Mar. 6, 1944, 11 F.R. 3077.

§ 109.1 *General*—(a) *Application.* The provisions of paragraphs (b), (c), and (d) of this section and §§ 109.2-109.3, inclusive, will apply during periods of hostilities. The provisions of § 109.4 will apply during periods of peace or following the termination of hostilities and before peace is formally declared.

(b) *Responsibility of commanding officers.* Commanding officers of units, replacements, or individuals affected by the provisions of this part are responsible that such personnel are instructed in these provisions, advised of their applicability, and warned of the danger involved in the disclosure to unauthorized persons of classified information concerning troop movements or movements of supplies.

(c) *Classification requirements.* Information of movements of personnel or supplies will be classified, when appropriate, as secret, confidential, or restricted by, or by authority of, any officer authorized to make or authorize secret classifications.

(d) *Dissemination of information.* (1) All persons connected with the military service who receive information concerning movements of personnel or supplies classified in accordance with Army Regulations are forbidden to make public or to inform unauthorized persons concerning the classified elements of such movements.

(2) When it is necessary to advise relatives or other persons of approaching departure, individuals connected with the military service will not disclose any classified information.

(3) Arrival in a theater of operations does not diminish the necessity of safeguarding classified elements of information concerning the movement. After such arrival, no information will be given to unauthorized persons concerning names, destinations, or organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, date of arrival, debarkation or departure, or number of troops, or kind of cargoes carried.

§ 109.2 *Rail and motor movements.*

(a) Reports concerning arrivals and departure of rail or motor movements within the United States which for any reason are classified, may be transmitted to persons authorized to receive such reports, unclassified, provided unit designations are not included therein.

(b) When rail or motor movements or travel of personnel are made preliminary to movement to a theater of operations, cars, baggage, and impedimenta will not be marked in the clear to show oversea destination, date of departure, name of ship, or other classified elements of information.

§ 109.3 *Embarkation.* (a) Troop movements will be made so far as practicable without attracting undue attention.

(b) All persons not on official business will be excluded from the piers at all times.

(c) Members of families, relatives, or friends of personnel under oversea movement or travel orders will not be allowed in the vicinity of piers on the day of sailing.

§ 109.4 *Periods of peace or following termination of hostilities*—(a) *Application.* The provisions of this section will apply only during periods other than those of hostilities.

(b) *Normal security requirements.* Information or documents concerning movements of personnel or supplies will normally be unclassified.

(c) *Classification requirements.* (1) Elements of information (such as destination, mission, and other elements which should be safeguarded) concerning movements of personnel or supplies, other than movements within oversea areas in which United States Army forces are stationed, will be classified secret, confidential, or restricted only when such classification is authorized by the War Department.